REMARKS

In the above referenced Office Action, claims 1-17 and 22-63 were rejected under 35 USC 103(a) as being unpatentable over Kitamura et al. ("Kitamura") in view of DuLac et al. ("DuLac"). Applicant respectfully traverses this rejection. Claims 18-21 and 64-67 were indicated to be allowable if rewritten in independent form. Applicant appreciates the indication of allowable subject matter.

The Examiner has first addressed claim 22 and asserts that Kitamura teaches all of the claim elements other than a processor which is taught by DuLac. As the Examiner is well aware, a primae facie case of obviousness must be presented to support a rejection under 35 USC 103(a). As such, the rejection must provide two or more analogous, properly combinable references, a proper motivation to combine those references, and establish that the combination teaches each and every element of the claims. The present rejection fails to provide a primae facie case of obviousness.

Kitamura deals with moving already stored data from one memory area to another (e.g., from main storage to an instruction executing portion). Multiple buffers are illustrated; however, they store the same data (see e.g., Col. 3, lines 43-44; Col. 4, lines 64-65). Thus, in a computer that executes operations some oft-used data is maintained in a buffer and provided to the "instruction executing portion" as required. When the desired data is not in the buffer, that data is retrieved from main storage and provided to the buffer and then to the instruction executing portion. As taught in the reference, multiple buffers are used for this purpose; each processes and handles the same data that already exists in memory.

In contrast, claim 22 is a medical device. The Examiner has failed to provide any teaching related to a medical device, let alone a medical device including the claimed elements. Further, claim 22 includes a "sensor . . . for collecting data." The Examiner asserts that the "buffer storage controller" of the reference is a sensor; such an assertion is unsupportable. Kitamura has no sensor; collects no data; has no need for a sensor; and certainly does not

remotely teach a sensor in the context of a medical device. The data of Kitamura is information already stored in a computer memory. Further, the claimed sensor(s) collect multiple data streams. Kitamura has no sensor and thus is unable to collect a single data stream, let alone multiple data streams. It is these data streams, collected by the sensor(s) that is operated on by the claimed registers. Thus, Kitamura alone, or in combination, fails to disclose the presently claimed invention. As such, the Office Action fails to provide a primae facie case of obviousness and the rejection should be withdrawn.

With respect to claims 23, 25, 26 and 31, the Examiner appears to ignore the plain meaning of the claim terminology. For example, the Examiner asserts that it would have been obvious to modify Kitamura to include a "converter . . . for converting at least one signal to the data." The asserted motivation would be to "reduce the time necessary for carrying out the data transfer." Since Kitamura fails to sense any signal or process anything other than stored data in the context of the disclosure, Applicant fails to appreciate how the addition of a "converter" would achieve such an effect. Likewise, the Examiner has simply taken the additional claim elements and asserted their incorporation with Kitamura would be beneficial without providing any factual or realistic basis for such a modification. Thus, it is clear that the Examiner is relying on hindsight and using the present claims as a roadmap in order to support an untenable rejection.

Claims 32-42 are written in means plus function format; yet they were summarily rejected because they have "similar limitations [to] method claims 1-17." Applicant is unaware of how such a statement provides a proper basis of rejection. Means plus function language is necessarily interpreted in view of what is disclosed in the specification. The structure provided in the specification is quite distinct from the prior art and as such, these claims are allowable. The method claims do not provide a basis for "interpreting" the means plus function claims, but the specification not only does provide such a basis, it must be considered. Such consideration is absent from the Office Action and the rejection is therefore improper.

The remaining claims are allowable for the same or similar reasons. As all claims presented are allowable, notice of the same is respectfully requested. Should any issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

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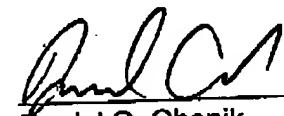
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